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To: The City Council Rules Committee
Council Member Angela Whitfield Calloway, Chairperson
Council President Pro Tem James Tate, Vice-Chairperson
Council Member Coleman A. Young, Member

From: David Whitaker, Director
Legislative Policy Division



Date: June 4, 2025

Re: Summary of Suggested Amendments to City Council Rules of Order

In preparation for the next Rules Committee meeting, the Legislative Policy Division (LPD) has prepared a summary of the suggested amendments approved by the Committee to the City Council Rules of Order.

We have also included two suggested amendments for the Rules Committee to consider.

The following are the suggested amendments approved by the Rules Committee.

Section 2.0 Composition of Council.

Pursuant to the authority set forth in Section 4-~~106~~ **4-105** of the 2012 Detroit City Charter, The Detroit City Council is the City's legislative body composed of nine (9) Council Members.

There shall be seven (7) non-at-large districts and one (1) at-large district established in the City and one (1) member shall be elected from each of the seven (7) non-at-large district and two (2)

members shall be elected from the at-large district. One member is elected from each of the seven (7) non-at-large districts and two (2) members are elected at-large. All members serve a concurrent four-year term.

3.5.2 Joint Committees: ~~Joint committees are created by City Council from two or more standing committees to perform a specific task for a limited duration. In the case of a joint committee, the Chair of the committee designated first by the President in order of referral shall serve as Chair of the joint committee and the Chair of the committee designated second shall serve as the vice Chair of the joint committee subject to the approval of the City Council.~~

3.6.2.8 Virtual Attendance of a Council Member at a Hybrid Meeting: *If a Council Member is a sponsor, co-sponsor, or an expert witness on an ordinance being discussed or for which a Public Hearing is being held in a Standing Committee and that Council Member is not a member of the Standing Committee in which the issue appears, that Council Member shall be allowed to attend the Standing Committee meeting virtually.*

The Council Member attending virtually shall: (1) not be counted in attendance toward a quorum of the Detroit City Council; (2) be treated as any other non-Council member presenting on the issue or asked to participate in the discussion and as such should not be addressed as "Council Member".

This section applies even when a discussion or public hearing for a proposed ordinance is held in a Standing Committee, and that Standing Committee has noticed that "A Quorum of the City Council may be Present". (Section 15.5.8)

LPD strongly advises that the Rules Committee not adopt this suggested amendment. It is in clear violation of the Open Meetings Act.¹

4.2 Board of Review: Pursuant to Section 9-401 of the 2012 Detroit City Charter, there shall be a Board known as the *Property Assessment* Board of Review to hear and determine appeals from property tax assessments.

4.2.1 Members: The *Property Assessment* Board of Review consists of nine members with at least seven (7) members appointed from each of the non-at-large districts

4.4.1 Appointment: The nine-member City Planning Commission shall be appointed by and serve at the pleasure of the City Council.

There shall be at least one member appointed from each of City Council's non-at-large districts. ~~Seven (7) of the members shall be appointed, one (1) each, from the non-at-large districts.~~ No more than two (2) members shall be appointed from any one district. As far as possible, different professions and occupations shall be represented on the Commission.

¹ An analysis was done, and this suggested amendment to the Rules is not permissible under the OMA. The analysis is included as an addendum to this report.

Changes to responsibilities of Standing Committees.

Added to Public Health and Safety Standing Committee:

Detroit Area Regional Transit Authority (DARTA)
Detroit Transportation Corporation (DTC)
Environmental Affairs
Traffic and Parking Control

Added to Internal Operations Standing Committee:

Elections or Election Commission
Inspector General

Removed:

~~*Cable Commission and Other Broadcast Operations*~~
~~*Detroit Building Authority*~~
~~*General Services*~~

Added to Neighborhoods and Community Services Standing Committee:

Cultural Affairs
Department of Neighborhoods (DON)
Human Services
Media Service

Removed:

~~*Cable Commission and Other Broadcast Operations*~~

Added to Planning and Economic Development Standing Committee:

Convention Authority
Detroit Brownfield Redevelopment Authority (DBRA)
Detroit Building Authority
Detroit Landbank Authority (DLBA)
Detroit Wayne County Port Authority (DWCPA)
Detroit Wayne County Stadium Authority (DWCSA)

10.14.2.1 Motion to Waive Reconsideration: A motion to waive reconsideration of a vote may be applied to any main motion that passes with a vote of two-thirds of the members serving. A motion that fails shall not have a waiver of reconsideration attached. If any member objects to placing a waiver of reconsideration on a vote, the waiver shall not be attached. If adopted, no member may reconsider a vote on the motion to which it is attached. *For items approved to have a waiver of reconsideration those waivers shall take effect just prior to the motion to adjourn.*

15.5.13 Honors: The City Council shall award citizens, visiting dignitaries and others as determined by the City Council with testimonial resolutions, testimonial memorial resolutions, awards of recognition, Spirit of Detroit awards, and the Distinguished Service Award.

Testimonial Resolutions and Spirit of Detroit Awards shall only be awarded to individuals deserving higher honors. Individuals deserving higher honors shall be defined as performing an act, an accomplishment, being involved in a socially beneficial

unique event, or living a life devoted to social wellbeing and the betterment of humankind and society.

All Testimonial resolutions shall have original signatures by the Council member or their designee.

18.3 Completed Assignments: All completed assignments will be directed to the Standing Committee whose jurisdiction covers the issue, for review and consideration. The assignments will be addressed to the Chair of the Committee, members of the Committee, the President as ex officio, all City Council members, and the Clerk's Office. *Completed assignments shall not go back to the Formal Session for referral to a Standing Committee.*

18.5 Annual City Council Calendar. *Each year the Legislative Policy Division shall prepare an Annual Calendar for City Council. This annual calendar shall be approved by City Council no later than October 31st of the previous year. Changes to the approved Annual Calendar shall be done through resolution approved by the Body.*

18.6 Legislative Agenda. *In the first year of a new four-year term, the Legislative Agenda shall be completed by the end of the third-quarter of that first year. In subsequent year of the four-year term, City Council shall review and determine if changes are needed to the Legislative Agenda. If changes are needed, they shall be approved by January 31 of that year.*

22.0 PROCEDURES FOR PERSONS WISHING TO ADDRESS COUNCIL

A person shall be permitted to address a meeting of the City Council subject to the following rules:

A brief written notice of a request to address the City Council shall be filed with the City Clerk not later than 2:00 PM of the business day immediately preceding the day of the scheduled meeting to which the request pertains. The Clerk shall provide reasonable assistance in the preparation of such request to any person requesting assistance.

A written notice of a request to address the City Council shall identify the person making the request. Identification shall include: full name, address (both resident and business), phone number, ~~and shall state the subject matter on which such person wishes to address the City Council.~~

The petitioner shall include a paragraph stating their standing and/or interest in the subject matter, the relief expected, what they want, the number of times they have previously petitioned to speak before Council, and the issue associated with each petition request.

~~Upon approval of the request by the Body, the Chair of the Standing Committee or Committee of the Whole shall have the discretion as to when during the meeting the person shall be heard and shall also have the discretion to impose a reasonable limitation on the time allotted to hear such person.~~

After the request has been processed by the Clerk's Office, it shall appear as a line item on a Formal Session agenda. The request shall then be voted upon by the whole Body. A majority of the Body must approve the request for the petitioner to present to the whole Body at a Formal Session. Approval by the whole Body is also required for a presentation at a Standing Committee meeting. If the Body approves the Standing Committee presentation the petition shall be referred to the appropriate Standing Committee.

The Chair of the Formal Session or of the Standing Committee may determine when the petitioner may be heard and may also have the discretion to impose a reasonable limitation on the time allotted to hear such person.

This procedure shall not apply to scheduled public hearings or to persons invited by the City Council to participate in discussions before the City Council.

It was suggested that the petitioner also indicate, on the request to address Council, if the issue to be discussed is associated with any litigation or could lead to litigation against the City of Detroit. If the Committee wishes to do so, a motion is needed, and the following language would be included.

... and indicate if the issue to be discussed is associated with any litigation or could possibly lead to litigation against the City of Detroit.

The Committee also needs to motion and approve the following change to the Historic Designation section.

4.5 Historic Designation Advisory Board: Pursuant to Section ~~25-2-34~~ 21-2-21 of the 2019 Detroit City Code, the City Council shall establish an Historic Designation Advisory Board.

4.5.1 Appointment: The ~~nine (9)~~ Historic Designation Advisory Board consists of twelve members, nine of whom are appointed to three-year terms by the Detroit City Council; the other three are City Department heads (or their representatives) serving as ex-officio. The Historic Designation Advisory Board has a permanent staff of four FTEs. ~~(12) permanent members of the 12 member Board shall be appointed by City Council.~~

4.5.2 Residency Requirement: A member of the Board must be a resident of the City.

4.5.3 Term: The term of appointment for permanent members is ~~three (3) years on a staggered term basis.~~ The nine appointed members serve a three year.

ADDENDUM

APPLICATION OF THE MICHIGAN OPEN MEETINGS ACT TO PROPOSED RULE 3.6.2.8

The following rule has been proposed as an amendment to the Rules of Order for the Detroit City Council:

3.6.2.8 Virtual Attendance of a Council Member at a Hybrid

Meeting: If a Council Member is a sponsor, co-sponsor, or an expert witness on an ordinance being discussed or for which a Public Hearing is being held in a Standing Committee and that Council Member is not a member of the Standing Committee in which the issue appears, that Council Member shall be allowed to attend the Standing Committee meeting virtually. The Council Member attending virtually shall : (1) not be counted in attendance toward a quorum of the Detroit City Council; (2) be treated as any other non-Council member presenting on the issue or asked to participate in the discussion and as such should not be addressed as “Council Member”.

This section applies even when a discussion or public hearing for a proposed ordinance is held in a Standing Committee, and that Standing Committee has noticed that “A Quorum of the City Council may be Present”. (Section 15.5.8).

This proposed rule appears to be in violation of the Michigan Open Meetings Act (OMA), MCL 15.261 *et seq.*

The purpose of the OMA is to promote governmental accountability and to foster transparency and openness in government by ensuring that deliberation and decisions of public bodies take place at public meetings.² As a result, the OMA requirement that “[a]ll meetings of a public body shall be open to the public and shall be held in a place available to the general public”³ has been interpreted to require meetings to take place in a physical space with participating members attending in person.⁴

The only exceptions that the OMA provides for virtual attendance of members are for “military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance...”⁵ The OMA was amended in 2020 to allow for virtual attendance by members of a public body during the COVID-19 pandemic, however the bulk of those amendments expired in 2022 and are no longer in effect. Notably,

² *Booth Newspapers, Inc. v. Univ. of Michigan Board of Regents*, 444 Mich. 211 (1993).

³ MCL 15.263.

⁴ 2022 Mich. OAG No. 7318.

⁵ MCL 15.263.

those amendments would not have been necessary if virtual attendance by members were previously permissible under the OMA.

A Council Member may not virtually attend and participate in a meeting and not be counted toward a quorum or be treated as a non-Council Member because by participating in the meeting, the Member would be engaging in deliberation which must take place in person at a public meeting. Similarly, the Michigan Attorney General has found that a public body deliberating and taking actions during a conference call is prohibited by the OMA “[e]ven if it were physically possible to include the public in a conference phone call meeting” because it would not be in accordance with the purpose of the OMA to allow the public to observe meetings of public bodies.⁶ The same reasoning prohibits members of a public body from voting by proxy.⁷

For these reasons, the above proposed rule is not permissible under the OMA.

⁶ 1977-1978 Mich. Op. Atty Gen. 21.

⁷ 2009 Mich. OAG No. 7227.